

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RAMONE GRIFFIN	)	
2006-0088113,	)	
	)	
Plaintiff,	)	07 C 7069
	)	
v.	)	Judge Elaine E. Bucklo
	)	
SHERIFF THOMAS DART,	)	
MEDICAL DIRECTOR TING	)	
OFFICER KOZEL,	)	
	)	
Defendants.	)	

**DEFENDANT KOZEL'S ANSWER TO THE COMPLAINT**

Defendant Officer Elliott Kozel, by his attorney, Richard A. Devine, through his Assistant State's Attorney Daniel J. Fahlgren, in Answer to Plaintiff's Complaint, states:

**COUNT 1      8<sup>TH</sup> AMENDMENT CRUEL AND UNUSUAL PUNISHMENT  
14<sup>TH</sup> AMENDMENT DUE PROCESS**

1.      Beginning June 10, 2006, defendants began violating my rights and denying me medical attention.

ANSWER:      Defendant denies the averments in this paragraph.

2.      I started suffering from prior injuries, i.e. gunshot wounds which includes (rods and pins) in both of my legs which causes me extreme pain.

ANSWER:      Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

3.      When I made a request to receive further medical attention at Cook County Jail it took 7 plus months for the defendants to at least call me to speak to me.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

4. But I got little help and many refusals.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

5. Plaintiff made numerous requests for help for follow-up medical attn.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

6. Had Defendant answered his request, they would have noticed that my hip and femur on my right leg was healing back the wrong way (crooked and apart) which was later discovered by x-ray.

ANSWER: Defendant denies the averments in this paragraph.

7. Now due to the Defendants' intentionally refusing Plaintiff medical attn. Plaintiff's pain has increased.

ANSWER: Defendant denies the averments in this paragraph.

8. Defendants are sued in their individual and official capacities. Whereas defendants should have known that their actions could or would cause him irreparable injury.

ANSWER: Defendant denies the averments in this paragraph.

9. Defendants did so maliciously and intentionally for no penological purpose.

ANSWER: Defendant denies the averments in this paragraph.

10. As result of these violations Plaintiff suffers from sever pain in his back and legs, crooked bones and swelling constantly, severe depression, severe headaches and a bad limp when waking.

ANSWER: Defendant denies the averments in this paragraph.

11. NOTE: All defendants knew of Plaintiff medical problems

ANSWER: Defendant denies the averments in this paragraph.

## **COUNT 2**

### **8<sup>th</sup> and 14<sup>th</sup> AMENDMENTS (CRUEL AND UNUSUAL PUNISHMENT& DUE PROCESS**

12. On December 15, 2006, defendants Officer Kozel took Plaintiffs crutches from him for no reason except to cause him pain and suffering.

ANSWER: Defendant denies the averments in this paragraph.

13. Plaintiff spoke to defendant who told him to stop "bitching and bond out."

ANSWER: Defendant denies the averments in this paragraph.

14. Then defendant laughed when defendant took Plaintiff's crutches.

ANSWER: Defendant denies the averments in this paragraph.

15. He began having trouble walking and having more pain and swelling.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

16. Defendants action were a contributing factor in his new medical problem.

ANSWER: Defendant denies the averments in this paragraph.

17. Defendants are sued in their individual and capacities.

ANSWER: Defendant admits the averments in this paragraph.

18. Defendant knew or should have known that his actions could or would cause Plaintiff irreparable injury. And did so maliciously and with the intent to cause injury for no penological purpose.

ANSWER: Defendant denies the averments in this paragraph.

19. As a result Plaintiff suffers headaches, depression and bone deformity.

ANSWER: Defendant denies the averments in this paragraph.

### **COUNT 3**

#### **8<sup>th</sup> AMENDMENT CRUEL AND UNUSUAL PUNISHMENT 14<sup>th</sup> AMENDMENT DUE PROCESS**

20. On or about 8-200\_\_ I complained about my bleeding gums, tooth aches growing dental problems.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

21. On or about the above date my gums started bleeding, as they do just about daily now, I was trying to brush my teeth here to maintain proper dental hygiene.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

22. But the defendants stopped selling or providing toothbrushes that will reach my back teeth.

ANSWER: Defendant denies the averments in this paragraph.

23. The contraption I must use is 2 inches long and cannot reach the back of my mouth and since defendants won't let me get dental floss either I must have bad breath and dental problems.

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

24. Plaintiff sent/ made out numerous grievances and requests to get help but was told that "y'all don't get dental or eye care anymore writes your governor"

ANSWER: Defendant is without sufficient information or knowledge to form a belief as to the truth of the averments in this paragraph.

25. Defendants are sued in their individual and official capacities.

ANSWER: Defendant admits the averments in this paragraph.

26. Defendants knew or should have known that their actions would cause Plaintiff irreparable injury and did so maliciously for no penological purpose.

ANSWER: Defendant denies the averments in this paragraph.

27. As a result of defendants' actions, Plaintiff suffers from gum infection, bleeding gums gingivitis, decaying teeth and severe depression.

ANSWER: Defendant denies the averments in this paragraph.

### **AFFIRMATIVE DEFENSES**

Plaintiff, while an inmate, failed to exhaust his administrative remedies before filing this action. Therefore this action should be dismissed pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a).

**JURY DEMAND**

Defendant demands trial by jury.

Respectfully submitted,

RICHARD A. DEVINE  
State's Attorney of Cook County

By: s/Daniel J. Fahlgren  
Daniel J. Fahlgren  
Assistant State's Attorney  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
(312) 603-3304  
6201163